

Protective Order Committee
Judicial Conference of Indiana

Minutes
January 23, 2002

The Protective Order Committee met at the Indiana Judicial Center in Indianapolis on Wednesday, January 23, 2002, from 11:00 a.m. – 3:00 p.m.

1. Members present. Tammy Baitz, Jeanne M. Hamilton, Robert E. Lybrook, Christina J. Miller, Chris D. Monroe, and John W. Forcum, Chair
2. Staff present. Jeffrey Bercovitz and Tom Jones provided the committee with staff assistance.
3. Others present. Senior Judge Ruth Reichard also attended the meeting.
4. Minutes approved. The minutes for the committee meeting on November 2, 2001 were approved.
5. Indiana Civil Protective Order Act.
 - a. Mr. Bercovitz distributed a summary of SB 434 prepared by Judge Reichard and SB 434 and HB 1232 to members of the committee.
 - b. Committee members reported questions received during lunch with various legislators. One question concerned what might happen to persons not included in the proposed Civil Protective Order Act that are not “victims” of domestic or family violence. The committee agreed these persons could use civil remedies if appropriate, their concerns might fit into the broad definition of the crimes of “threat” or “intimidation”, a no contact order may be applicable if the case involves bail, bond or probation, the lack of probable cause for a criminal case may indicate insufficient evidence to prove a civil protective order by a preponderance of the evidence, the proposed Workplace Violence Restraining Order Act may provide relief; the Community Dispute Resolution Centers Program under IC 34-57-3 may assist, and a statute might be introduced that permitted anyone to file notice of a peace bond in which violation is a crime. Another question under the proposed act concerned provisions for confiscation of firearms. There is little guidance in the present statute and the proposal includes reasonable provisions for removal and return of firearms that comply with due process.
6. Proposed forms.
 - a. Mr. Jones distributed a proposed report to Lisa Beran, Attorney, Kentucky Domestic Violence Association. The committee agreed by consensus to forward this report to her. He also distributed the draft uniform protective order cover page previously discussed by the committee.
 - b. The committee members agreed to ask Judge Reichard to work on standard protective order forms and the committee agreed to begin work at their next meeting.
7. Education programs.
 - a. Mr. Bercovitz distributed a follow up survey and response to the “Crossing Borders” conference held in June 2000.

b. Mr. Bercovitz distributed an announcement for a conference entitled: “Domestic Violence Awareness & Investigations Train-the-Trainer”, April 10-12, 2002, Indiana Law Enforcement Academy.

8. Other. Mr. Bercovitz distributed a letter (dated 12/4/02) from the National Council of Juvenile and Family Court Judges (NCJFCJ) congratulating Indiana on becoming a Model Code state. Judge Reichard explained she used the NCJFCJ for technical assistance when drafting Indiana’s Protective Order Act on behalf of the committee and the NCJFCJ asked to designate Indiana in this manner for continued technical assistance.

9. Next meeting dates. Committee members agreed meet at the following times: Wednesday, February 27, 2001 from 11:00 a.m. – 3:00 p.m. in order to meet with legislators; Friday, March 22, 2002 from 12:30 p.m. – 4:00 p.m.; Friday, April 26, 2002 from 12:30 p.m. – 4:00 p.m.; Friday, June 28, 2002 from 12:30 p.m. – 4:00 p.m.; Friday, July 26, 2002 from 12:30 p.m. – 4:00 p.m.; Friday, August 23, 2002 from 12:30 p.m. – 4:00 p.m.; Friday, October 25, 2002 from 12:30 p.m. – 4:00 p.m.; Wed., January 22, 2003 from 11:00 a.m. – 3:00 p.m.; and Wed., February 26, 2003 from 11:00 a.m. – 3:00 p.m. at the Indiana Judicial Center.

Respectfully submitted,

Jeffrey Bercovitz, Director
Juvenile and Family Law